

Appln No. 09/775,315
Amdt date January 29, 2004
Reply to Office action of October 29, 2003

REMARKS/ARGUMENTS

Claims 1-4 and 10 remain in this application. As an initial matter, it is noted that while certified copies of the priority documents were submitted with the application as filed on February 1, 2001, the examiner has not formally acknowledged the receipt of those documents. Therefore, applicant requests that the receipt of the priority documents be acknowledged in the next action.

Turning to the Office action dated October 29, 2003, the examiner has finally rejected claims 1-4 as unpatentable over Pynenburg et al. in view of Hasegawa et al. Claim 10 has been rejected as unpatentable over Mayer.


According to Mayer, mere "blends" of the given materials are described. See Mayer, column 10, lines 48-67. Similarly, Pynenburg et al. teach the mere "mixtures" of the given materials. See Pynenburg et al., column 7, lines 55-60.

In contrast, the invention is directed to a positive active material in which the lithium nickel cobalt oxide and the lithium manganese oxide are *chemically bonded* rather than merely blended. It is noted that the heat-treatment temperature is carefully selected to cause such a "chemical bond." See the specification as filed at page 7, lines 10-18. Independent claims 1 and 10 have been amended to clarify this point. Nowhere do the cited references teach or suggest such a chemical bond, and therefore, the claims, as amended, are allowable over the prior art.

While applicant submits that the application is in condition for allowance, if there are any remaining issues which can best be addressed by telephone, the examiner is asked to contact applicant's attorney of record at the number below.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
David A. Plumley
Reg. No. 37,208
626/795-9900

DAP/cl
CLS PAS547836.1 *-01/29/04 9:51 AM